

Application No. 10/594481
Responsive to the office action dated December 1, 2009.

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claim 1 has been amended to include the limitations of claims 4, 17, 18, and 21. Accordingly, claims 3-4, 15-18, and 21 have been canceled without prejudice. Further, claims 1-2, 5-14, 19-20, and 22-25 have been amended editorially.

Claims 8-14 have been objected to because of dependency. Claims 8-14 have been amended to depend properly from claim 1, and this objection should be withdrawn.

Claims 1-17, 19, 20, 22, and 25 have been rejected under 35 U.S.C. 102(b) as being anticipated by Komitsu et al. (U.S. Patent No. 6,642,309). Applicants respectfully traverse this rejection.

Current claim 1 recites that (i) the vinyl polymer (II) has a ratio of the weight average (Mw) to the number average molecular weight (Mn) of lower than 1.8 as recited in canceled claim 18, and (ii) is a copolymer obtained by atom transfer radical polymerization as recited in canceled claim 21. Accordingly, this rejection is moot and should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 1-3, 5, and 15-25 have been rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al. (U.S. Patent Application Publication No. 2003/0176576) as evidenced by Bandou et al. (U.S. Patent Application Publication No. 2005/0261412). Applicants respectfully traverse this rejection.

Current claim 1 recites the vinyl polymer (II) that is a copolymer of (b1) an alkyl acrylate having an alkyl group of 1 to 3 carbon atoms, (b2) an alkyl acrylate having an alkyl group of 4 to 7 carbon atoms, and (b3) an alkyl acrylate having an alkyl group of 8 to 20 carbon atoms as recited in canceled claim 4. Thus, this rejection is moot. Applicants do not concede the correctness of the rejection.

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In addition, Bandou merely discloses a long list of vinyl monomers, which may be used for the composition (see para. [0062]). Bandou, however, fails to disclose the particular combination of the alkyl acrylates of (b1), (b2) and (b3) as claim 1 recites, and thus claim 1 is distinguished from Bandou. Accordingly, this rejection should be withdrawn.

Claims 18 and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Komitsu et al. (U.S. Patent No. 6,642,309) as applied above, in view of Kusakabe et al. (U.S. Patent No. 5,986,014). Applicants respectfully traverse this rejection.

The limitations of claims 18 and 21 have been included in claim 1. Claim 1 is distinguished from Komitsu as discussed above. In addition, claim 1 recites that the composition includes vinyl polymer (II), which is compatible with the polyether polymer (I). It is known in the art, in general, that a polymer having a large Mn such as 20,000 or higher of the vinyl polymer (II) recited in claim 1 is difficult to blend into another polymer that also has a high Mn such as 10,000 or higher of the polyether polymer (I) in claim 1, compatibly. Komitsu, which discloses examples of the acrylate copolymers that have the Mn of 12,100 or smaller only, would not recognize such advantage, i.e., the compatibility of the vinyl polymer having the Mn of no lower than 20,000 into the polyether polymer (I) having the Mn of 10,000 or higher, of claim 1 (see table 1 in cols. 17-18).

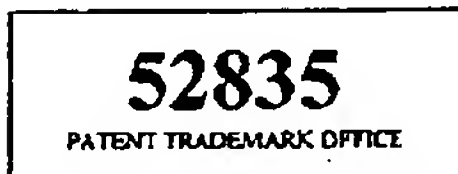
Kusakabe fails to disclose the vinyl polymer (II) that is a copolymer of the particular combination of the alkyl acrylates (b1), (b2), and (b3) and thus fails to disclose that the vinyl polymer (II) has the Mn of no lower than 20,000 and that the ratio of Mw/Mn of the copolymer is lower than 1.8. Kusakabe also fails to disclose that the vinyl polymer (II) is compatible with the polyether polymer (I) as claim 1 recites. Thus, Kusakabe does not remedy the deficiencies of Komitsu. Accordingly, this rejection should be withdrawn.

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In view of the above, Applicants request reconsideration of the application in the form of
a Notice of Allowance.

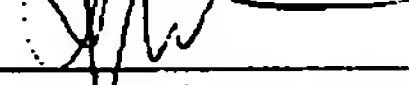


Dated: March 1, 2010

DPM/my/jls

Respectfully submitted,

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